THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.23718 OF 1998

DATED: 20-6-2007

Between:

M. Vasudeva

.. Petitioner

and

The Director General, Railway Protection Force, Rail Bhavan, New Delhi and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.23718 OF 1998

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in not fixing the salary of the petitioner in the scale of Rs.1400–2300 on par with employees of South Eastern Railways, as per the Judgment in C.R.No.3287 (W) of 1987, dated 18.6.1991, as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India; and consequently to direct the respondents to pay the arrears of salary by fixing the salary of the petitioner in the pay scale of Head Constable Drivers Grade-II on proforma basis in the scale of Rs.1400-2300.

It appears, the petitioner, who was initially appointed as a Constable in the Railway Protection Force, South Central Railway, was promoted as Head Constable Grade-III with effect from 11.10.1979 and further promoted as Head Constable Grade-II on 14.09.1989 with retrospective effect from 01.5.1986. Now, the grievance of the petitioner is that he was put on the pay scale of Rs.1200 –1800, but he is entitled for a pay scale of Rs.1400-2300, as was decided by the Calcutta High Court in a writ petition filed by the employees of South Eastern Railway.

There is no necessity of going into all the details.

It is an admitted fact that the petitioner, immediately after his promotion to the post of Head Constable Grade-II, was declared

medically unfit to hold the said post and, as such, he was converted as a commercial clerk and was discharged from the security department on 19.02.1991.

According to the respondents, the pay scale applicable to the post of commercial clerk is 975-1540. It is not the case of the petitioner that he was treated as Head Constable Grade-II, even after converting him as commercial clerk. In fact, in view of the medical de-categorisation, the petitioner was converted as a commercial clerk for the purpose of protecting his services, but not the pay scale. Hence, the pay scale as applicable to the post of commercial clerk was applied in case of the petitioner.

Under these circumstances, the contention of the petitioner that he is entitled for pay scale of Rs.1400 – 2300, as was held by the Calcutta High Court in case of Head Constable Grade-II drivers of South Eastern Railways, cannot be accepted.

The writ petition is misconceived, devoid of merits and is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

C.V. RAMULU, J

20th June, 2007.
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